

REMARKS

This is in response to the Office Action dated April 4, 2008. Claims 1-9 are pending in the present application.

Final Rejection?

The 'Office Action Summary' sheet indicates that the outstanding Office Action is a non-final Office Action. In contradiction thereto, the Office Action is purportedly made "final" on page 5 of the Office Action. Applicants' response to the last Office Action was not an "Amendment" as alleged on page 5 of the outstanding Office Action, since the language of the claims was not changed. Therefore, the Examiner is not justified in making the present Office Action "final". MPEP 706.07(a) states that "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement" Accordingly, the Examiner is respectfully requested to clarify that the Office Action Summary page is correct, and that the outstanding Office Action is a non-final Office Action.

Prior art rejections

Claims 1-6, directed to articles which are coated (e.g., painted) in the mold, are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 06-107750 (JP '750) in view of JP 08-034860 (JP '860). Office Action, pages 2-3. Process claims 7-9 are rejected as being

unpatentable over JP '750 in view of JP '860, US 6,617,033, US 6,180,043, and EP 0 934 808, all previously applied. Office Action, pages 3-4. It is noted that the primary reference, JP 06-107750, and the principal ancillary reference, JP 09-034860, were both cited in the International Search Report as Category A references – as defining the general state of the art but not considered to be of particular relevance.

The essence of the above rejections is the Examiner's assertion that JP 06-107750 discloses all of the features of Applicants' invention except for the details of the hydroxyl-group containing polypropylene composition. The Examiner contends that Applicants' invention is *prima facie* obvious because persons of ordinary skill in the art allegedly would be motivated to employ the polypropylene molding compositions of JP 08-034860 as substrates for the coated articles disclosed in JP 06-107750. The alleged motivation is because the JP '860 compositions are disclosed as having desirable mold adherent properties.

Applicants respectfully submit that the Examiner's contention that JP '750 discloses all of the features of Applicants' invention except for the details of the hydroxyl-group containing polypropylene composition is inaccurate. JP '750 discloses a molded polyolefin substrate coated with a coating composition that comprises:

- (i) a vehicle component,
- (ii) a chlorinated polypropylene,
- (iii) a pigment,
- (iv) a polymerization initiator, and
- (v) a release agent.

In contrast, in the in-mold coated molded article of the present invention, paint composition (B) for in-mold coating comprises:

- (a) a vehicle component,
- (b) a (meth)acrylate-modified chlorinated polyolefin,
- (c) an organic peroxide polymerization initiator, and
- (d) a polyisocyanate compound.

Thus, the composition of JP '750 differs significantly in its constitution from the presently claimed composition, which requires among other things as essential components both (b) a (meth)acrylate-modified chlorinate polyolefin and (d) a polyisocyanate compound.

The Examiner contends that the composition of JP' 750 optionally contains an isocyanate-group containing component. According to paragraph [0007] of JP '750, the urethane (meth)acrylate compound can be produced using an organic diisocyanate, an organic diol having hydroxyl groups, and a hydroxylalkyl (meth)acrylate by a conventional method in which, e.g., the organic diisocyanate and organic diol are reacted in the presence of urethane catalyst to produce an isocyanate terminated-polyurethane prepolymer, which is then reacted with the hydroxyl (meth)acrylate until almost all of the free isocyanate groups are reacted. From this fact, it is apparent that JP '750 merely mentions that the isocyanate-group containing component is used as a raw material for preparing a urethane (meth)acrylate compound as its vehicle component (i), and that substantially no isocyanate groups are contained in the reference composition disclosed in JP '750.

JP '750 does not teach or suggest that a polyisocyanate compound (d) is further blended into paint composition (B) for in-mold coating as defined in Applicants' claim 1.

In addition, JP '750 does not teach or suggest that a chlorinated polyolefin for paint composition (B) as defined in claim 1 should be a (meth)acrylate-modified polymer.

Thus, the coating composition of JP '750 is completely different from the paint composition (B) for in-mold coating of the present invention¹, which contains a polyisocyanate compound (d) and a (meth)acrylate-modified chlorinated polyolefin (b).

Accordingly, since the Examiner's conclusions with respect to the teachings of the primary reference are incorrect, the present invention is not rendered obvious by the prior art of record, even in combination. Withdrawal is respectfully solicited of the rejection of claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over JP 06-107750 in view of JP 08-034860, and of the rejection of claims 7-9 under 35 U.S.C. § 103(a) as being unpatentable over JP 06-107750 in view of JP 08-034860, US 6,617,033, US 6,180,043, and EP 0 934 808.

Conclusion

All rejections of record being overcome by this response, the Examiner is respectfully requested to pass this application to Issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No.

¹ As defined in Applicants' claim 1, "the paint composition for in-mold coating (B) comprises: ... a vehicle component (a) comprising 10 to 70 % by mass of an oligomer having at least two (meth)acrylate groups and 90 to 30 % by mass of an ethylenically unsaturated monomer copolymerizable with the oligomer, ... a (meth)acryl modified chlorinated polyolefin (b) having a chlorine content of from 2 to 40 % by mass, ... an organic peroxide polymerization initiator (c), and ... a polyisocyanate compound (d)."

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28,781) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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